

Serial No. 10/711,279
Response dated September 28, 2005 in
Reply to Office Action of July 7, 2005

REMARKS

In the above referenced office action the Examiner rejected Claims 1, 3-15, and 18-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-26 of U.S. Patent No. 6,830,369 B2. It should be further noted, however, that in the aforementioned office action the Examiner also indicated that Claims 1, 3-15, and 18-26 would be allowable upon the filing of a terminal disclaimer to overcome his aforementioned obvious-type double patenting rejection. In accordance with the Examiner's finding, please find enclosed herewith a Terminal Disclaimer signed by the Agent of Record on behalf of the owner herein, namely, Enersave Fluid Mixers Inc. It is to be appreciated that individual assignments from each of the three named co-inventors herein to the current owner of record, Enersave Fluid Mixers Inc. are recorded in the United States Patent and Trademark Office at Reels/Frames 016506/0800, 016507/0823 and 016507/0892, respectively. Of course, it should be further appreciated that Enersave Fluid Mixers Inc. is also the owner of record of cited U.S. Patent No. 6,830,369 B2 by reason of assignment of cited U.S. Patent No. 6,830,369 B2 to Enersave Fluid Mixers Inc. which was recorded in the United States Patent and Trademark Office at Reel/Frame 013772/0625.

In light of the applicant's submission of the enclosed terminal disclaimer, it is respectfully requested that the Examiner's aforementioned obviousness-type double patenting rejection be removed, and that each of Claims 1, 3-15, and 18-26 be allowed in their current form. Reconsideration of the above-identified application in view of the preceding remarks and with a view toward timely issuance of a Notice of Allowance is respectfully requested. If after reviewing this response, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters, the undersigned attorney may be contacted at the number set forth hereinbelow.

Respectfully submitted,

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Patrick J. Hofbauer
Registration No. 32,336
Tel: (905) 634-0040

HOFBAUER ASSOCIATES
1455 Lakeshore Road, Suite 205N
Burlington, Ontario
Canada L7S 2J1
Tel: 905.634.0040
Fax: 905.634.9119
PJH/MJT

Encl.
Terminal Disclaimer
Fee Transmittal
U.S. Money Order
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